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Application No. 09/874,341

Attorney Docket No. PF000056

**REMARKS**

Claims 1-11 are pending in this application. Claims 1 and 6 have been amended and claim 11 has been cancelled.

**Rejection of Claims 1, 6 and 11 under 35 USC § 103(a)**

Claims 1, 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherer (US Patent No. 5,790,959) in view of O'Byrne (US Patent No 5,731,699).

The present invention teaches a signal processing apparatus comprising a

"filtering means comprises a first bandpass filter for passing frequencies within a first frequency range, a second bandpass filter for passing frequencies within a second frequency range, wherein said first frequency range and said second frequency range are separated by a third frequency range, wherein the frequency synthesizer generates a transposition signal at a frequency determined in response the frequency range of the selected bandpass filter and the third frequency range"

as recited by the presently amended claim 1.

Claim 1 has been amended to clarify that the present invention provides for a signal processing apparatus comprising a filtering means having a passband of a either a first frequency range, or a second frequency range, where those two frequency ranges are separated by a third frequency range. It is submitted that there was some confusion in interpreting the claims when those frequency ranges were defined as bandwidths. Therefore, claim 1 and claim 6 have been amended to clarify that the passbands of the filtering means are defined by the range of frequencies over which they operate, and not the width of the passband.

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Scherer (U.S. Patent No. 5,790,959) discloses a programmable band select and transfer module for local multipoint distribution service base stations. Scherer teaches a system with selectable bandwidths of 40, 80 or 120MHz and the filtering means permits the choice of bandwidths. Scherer neither discloses nor suggests a "filtering means comprises a first bandpass filter for passing frequencies within a first frequency range, a second bandpass filter for passing frequencies within a second frequency range, wherein said first frequency range and said second frequency range are separated by a third frequency range, wherein the frequency synthesizer generates a transposition signal at a frequency determined in response the frequency range of the selected bandpass filter and the third frequency range" as recited in presently amended claims 1 of the present invention.

O'Byrne describes a method for measuring the radio signal transmission statistics of a communication channel. O'Byrne teaches a system wherein the one portion of a split signal is fed into a wide bandwidth receiver, and a second portion of the split signal is fed to a narrow bandwidth receiver. (Col. 4, lines 3-7) Thus, O'Byrne, similar to Scherer, neither discloses nor suggests a "filtering means comprises a first bandpass filter for passing frequencies within a first frequency range, a second bandpass filter for passing frequencies within a second frequency range, wherein said first frequency range and said second frequency range are separated by a third frequency range, wherein the frequency synthesizer generates a transposition signal at a frequency determined in response the frequency range of the selected bandpass filter and the third frequency range" as recited in presently amended claims 1 of the present invention.

In view of the above remarks to the claim 1 it is respectfully submitted that there is no 35 USC 103(a) compliant enabling disclosure in Scherer and O'Byrne, when taken alone or in combination, showing the above discussed features as claimed in claim 1. It is thus further respectfully submitted that this rejection is satisfied and should be withdrawn. Furthermore, it is submitted that claim 6 is allowable for at least the same reasons that claim 1 is allowable and such action is also requested.

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**Rejection of Claims 2-5 and 7-10 under 35 USC § 103(a)**

Claims 2-5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sherer (US Patent No. 5,790,959) in view O'Byrne (US Patent No 5,731,699) and further in view of the prior admitted art.

As claims 2-5 and 7-10 are dependant on independent claims 1 and 6 respectively, it is respectfully submitted that these claims are allowable for the same reasons as discussed above in regards to independent claims 1 and 6.

Having fully addressed the Examiner's rejections, it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at the phone number below, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No additional fee is believed due. However, if an additional fee is due, please charge the additional fee to Deposit Account 07-0832.

Respectfully submitted,  
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